

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
IN THE SOUTHERN DIVISION

SCOTT ANDREW WITZKE,

Plaintiff,

No. 2:21-CV-11346-DPH-CI

v

HON. MATTHEW F. LEITMAN  
MAG.

JORDAN REICK; IAN HOWARD;  
AARON KOWALSKI; CRAIG  
WHITE; and ROBERT ALLEN  
MCLEAN, in their individual  
capacities for monetary damages;  
and THE CITY OF MADISON  
HEIGHTS, Michigah,

Defendants.

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Scott Andrew Witzke  
Plaintiff, *In Pro Per*  
6931 Ball Road  
Romulus, MI 48174

Andrew J. Jurgensen (P81123)  
Assistant Attorney General  
Attorney for Defendant McLean  
State Operations Division  
P.O. Box 30754  
Lansing, MI 48909  
517.335.7573  
Jurgensena2@michigan.gov

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**BRIEF IN SUPPORT OF DEFENDANT ROBERT MCLEAN'S  
FED. R. CIV. P. 12(B)(6) MOTION TO DISMISS**

**EXHIBIT C**

STATE OF MICHIGAN 14B0 JUDICIAL DISTRICT ORI810075J PIN: 13-76237	REGISTER OF ACTIONS	CASE NO: 18FB-1586 D01 FY X-REFERENCE #: 13-76237 STATUS: DISP
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JUDGE OF RECORD: POPE, CHARLES J., P-25389  
JUDGE: BURKE, JOSEPH F., P-33801

STATE OF MICHIGAN v

WITZKE/SCOTT/ANDREW  
4630 LARKINS ST APT 2  
DETROIT MI 48210

6931 Bell St  
ROMULUS MI  
48174

CTN: 811800117201  
TCN: J218114002J  
SID: 1214357P  
ENTRY DATE: 02/27/18  
OFFENSE DATE: 10/06/13

DOB: 11/03/1964 SEX: M RACE: W DLN: MI W320760067846 CDL: U  
VEH YR: VEH MAKE: VIN: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS BAR NO.  
BERNSTEIN, SAMUEL JACOB, P-75402 APPOINTED  
4158 WASHTENAW AVE Telephone No.  
ANN ARBOR MI 48108 (734) 883-9584

OFFICER: SAYDAK/SHARON DEPT: WASHTENAW COUNTY SHERIFF

PROSECUTOR: MACKIE, BRIAN L., P-25745  
VICTIM/DESC:

COUNT 1 C/M/F: F 750248 PACC#750.248

## FORGERY

ARRAIGNMENT DATE: 04/24/18 PLEA: STOOD MUTE PLEA DATE: 04/24/18

FINDINGS: DISMISSED DISPOSITION DATE: 05/08/18

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:	PROBATION:	NUMBER OF DAYS:	VEH FORFEITURE:

## BOND HISTORY:

PERSONAL BOND CONTINUED

COUNT 2 C/M/F: F 750249 PACC#750.249

## UTTERING &amp; PUBLISHING

ARRAIGNMENT DATE: 04/24/18 PLEA: STOOD MUTE PLEA DATE: 04/24/18

FINDINGS: DISMISSED DISPOSITION DATE: 05/08/18

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:	PROBATION:	NUMBER OF DAYS:	VEH FORFEITURE:

COUNT 3 C/M/F: M 7502183A PACC#750.2183A

FALSE PRETENSES-\$200.00-\$999.99

ARRAIGNMENT DATE: 04/24/18 PLEA: NOLO CONTEND PLEA DATE: 05/08/18

FINDINGS: DS NOLO PLEA DISPOSITION DATE: 05/08/18

SENTENCING DATE: 05/08/18

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	1111.91	1111.91	1111.91

JAIL SENTENCE:	PROBATION:	NUMBER OF DAYS:	VEH FORFEITURE:

NAME: WITZKE/SCOTT/ANDREW

CASE NO: 18FB-1586

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DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
10/06/13		
1 ORIGINAL CHARGE	FORGERY	LDW
2 ORIGINAL CHARGE	UTTER&PUBLIS	LDW
02/27/18		
FILING DATE	022718	LDW
1 AUTHORIZATION OF COMPLAINT DATE PROS MACKIE, BRIAN L., COMPLAINT ISSUANCE DATE MAG NELSON, MARK W.,	P-25745 P-58712	LDW LDW
02/28/18		
MISCELLANEOUS ACTION	ALL COUNTS	LDW
WARRANT SIGNED & ISSUED		LDW
CASE TO BE ASSIGNED TO JUDGE BROWN UPON BINDOVER CC JDG BROWN DUE TO PRIOR CRW 90-024578 FH		LDW LDW
04/24/18		
1 WARRANT RECALL GENERATED FORGERY ORDER FOR FINGERPRINTS GENERATED		ASO
ARRAIGNMENT HELD	FORGERY ALL COUNTS	ASO AJF
JDG POPE, CHARLES J., ATT MOORE, KIM M., STOOD MUTE		P-25389 P-54390 AJF AJF
SCHEDULED FOR PROBABLE CAUSE CONFERENCE 050118 830A PRELIM EXAM, JUDGE,	P-99990	AJF
SCHEDULED FOR PRELIMINARY EXAMINATION 050818 930A PRELIM EXAM, JUDGE,	P-99990	AJF
PERSONAL BOND SET		AJF AJF
WARRANT RECALL FILED COURT RECORDER JACKIE McLAIN-CER3531		AJF AJF
FINGERPRINTS ORDERED		AJF
DEFT WALKED IN ON WARRANT AT 14A1		AJF
PD APPOINTED		AJF
NOTICE TO APPEAR GENERATED	ALL COUNTS	AJF
1 NOTICE TO APPEAR GENERATED	FORGERY	ASO
04/26/18		
TCN ADDED		LDW
04/30/18		
APPEARANCE/DEMANDS FD CERTIFICATION OF WARRANT RECALL FD ORIG WARRANT RETURN FD		ASO ASO ASO
05/01/18		
MISCELLANEOUS ACTION	ALL COUNTS	ASO
REMOVED FROM CALENDAR	050818 930A PRELIM EXAM, JUDGE,	P-99990 ASO
PROCEEDING HELD	ALL COUNTS	ASO
JDG HINES, ELIZABETH POL ATT BERNSTEIN, SAMUEL JA		P-27711 P-75402 ASO ASO
SCHEDULED FOR PROBABLE CAUSE CONFERENCE 050818 830A PRELIM EXAM, JUDGE,	P-99990	ASO
SCHEDULED FOR PRELIMINARY EXAMINATION 051518 930A PRELIM EXAM, JUDGE,	P-99990	ASO

NAME: WITZKE/SCOTT/ANDREW

CASE NO: 18FB-1586

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DATE	ACTIONS, JUDGMENTS, CASE NOTES		INITIALS
	BOND CONTINUED		ASO
	CER 5472 LISA MULL COURT RECORDER		ASO
	LDG WITHDRAWS DUE TO CONFLICT-APPOINT ATTY		ASO
	SAM BERNSTEIN		ASO
	NOTICE TO APPEAR GENERATED		ASO
	ALL COUNTS		ASO
05/08/18			
3	PLEA HEARING HELD	FALSE PRETEN	LDW
	ADDED CHARGE	FALSE PRETEN	LDW
1	PLEA HEARING HELD	FORGERY	LDW
	JDG BURKE, JOSEPH F.,		P-33801
	DISMISSED		LDW
	DISMISSED - PLEAD TO ANOTHER CHARGE		LDW
2	PLEA HEARING HELD	UTTER&PUBLIS	LDW
	DISMISSED		LDW
	DISMISSED - PLEAD TO ANOTHER CHARGE		LDW
3	PLEA HEARING HELD	FALSE PRETEN	LDW
	PLEAD NOLO CONTENDERE		LDW
	DISPOSED ON PLEA OF NOLO CONTENDERE		LDW
	SENTENCE	\$ 1111.91	LDW
	RESTITUTION	\$ 1111.91	LDW
	PLEA HEARING HELD	ALL COUNTS	LDW
	SCHEDULED FOR SENTENCING	070518 900A POPE, CHARLES J.,	P-25389
	BOND CONTINUED		LDW

CONTINUED REGISTER  
OF ACTIONS

Plaintiff

Defendant

CASE NO. \_\_\_\_\_

DATE	ACTIONS, JUDGMENTS, CASE NOTES	Initials
JUL 2 2018	S. app 7 add. f start  Recommendations 18FB-1586: <ul style="list-style-type: none"> <li>• Probation 9 Months - MAY Report BY 09/01/18</li> <li>• \$ 475 Fines/Costs (inclusive of SMC/VRA/Atty Fee)</li> <li>• \$1111.91 Restitution Joint and Severely</li> <li>• \$30/Month Probation Oversight Fee</li> <li>• Meet with probation when and where directed including home visits.</li> <li>• JWP or Community Service</li> </ul> <p>due by _____</p> <ul style="list-style-type: none"> <li>• No Contact with Bryan Ratliff</li> <li>• Drug test day of sentencing (if positive then 2x month thereafter)</li> <li>• Submit to, pay and be responsible for random drug/alcohol tests as requested by the court, any probation or police officer or any treatment provider.</li> <li>• No use/possession of alcohol, illegal drugs, or drug paraphernalia; no being in the presence of anyone possessing/using any illegal drugs or drug paraphernalia.</li> </ul>	
	<i>Ram</i> <i>On</i>	
7/2/18	Probation Lien Card # 416891190 exp 11/21/18	
10-10-18	WARRANT*FTA BW \$ <u>10,000</u> Bond Cash/Surety/ 10% Respondent failed to comply with an order of this court. To any peace officer or other person authorized by law to arrest, bring the respondent before Court immediately or hold for arraignment if above bond is not posted. Court assesses \$75 warrant fee.	VOP FRCED
12-12-18	ELECTRONIC WARRANT <i>AB</i> <i>M</i> <i>Ram</i>	
5-9-19	Re-entered Probation Lien Card # 47401064 <i>(C)</i> Exp 5-9-20 <i>(C)</i>	

DATE	ACTIONS, JUDGMENTS, CASE NOTES	Initials
5-22-20	<p>Letter rec'd from C -</p> <p>Order: (1) RECALL WARRANT  (2) DISCHARGE WITHOUT IMPROVEMENT  (3) WAIVE AC + PASS FOR  (4) ENTER RESTITUTION JUDGEMENT  (5) CLOSE FILE <i>Chase Jr</i></p>	
5-22-2020	<b>WARRANT CANCELLED <i>(LR)</i></b>	